Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 13213|Leg. B2|85|Law. *Dated, Trivandrum, 7th August, 1985| 16th Sravana, 1907.*

The following Ordinance promulgated by the Governor on the 7th day of August, 1985, is hereby published for general information.

By order of the Governor,

P. P. MATHAI,

Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1985.

33|3369|MC.

ORDINANCE No. 43 OF 1985

THE KERALA MARINE FISHING REGULATION (AMENDMENT) ORDINANCE, 1985

Promulgated by the Governor of Kerala in the Thirty-sixth Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala Marine Fishing Regulation Act, 1980.

Preamble.—WHEREAS the Kerala Marine Fishing Regulation (Amendment) Ordinance, 1984 (64 of 1984), was promulgated by the Governor of Kerala on the 8th day of August, 1984 to provide that appeals under section 18 of the Kerala Marine Fishing Regulation Act, 1980, from the orders of the adjudicating officer, shall be made to the District Court;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of October, 1984 and ended on the 5th day of November, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 64 of 1984, the Kerala Marine Fishing Regulation (Amendment) Ordinance, 1984 (94 of 1984), was promulgated by the Governor of Kerala on the 3rd day of December, 1984;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 6th day of March, 1985 and ended on the 11th day of April, 1985;

AND WHEREAS it was since decided that appeals from the orders of the adjudicating officer under section 18 of the Kerala Marine Fishing Regulation Act, 1980 shall lie to the District Collector;

AND WHEREAS the Kerala Marine Fishing Regulation (Amendment) Ordinance, 1985 (27 of 1985), was promulgated by the Governor of Kerala on the 17th day of April, 1985 for the above purpose;

AND WHEREAS a Bill to replace Ordinance 27 of 1985 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 1st day of July, 1985 and ended on the 31st day of July, 1985;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 27 of 1985 will cease to operate on the 12th day of August, 1985;

AND WHEREAS difficulties will arise if the provisions of Ordinance, 27 of 1985 are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Marine Fishing Regulation (Amendment) Ordinance, 1985.

(2) It shall be deemed to have come into force on the 9th day of August, 1984.

2. *Act* 10 *of* 1981 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 7.

3. *Amendment of section* 2.—In section 2 of the principal Act, clause (b) shall be omitted.

4. *Substitution of new section for section* 18.—For section 18 of the principal Act, the following section shall be substituted, namely:—

"18. *Appeal.*—(1) Any person aggrieved by an order of the adjudicating officer may, within thirty days from the date on which the order is made, prefer an appeal to the District Collector having jurisdiction over the area for which the adjudicating officer exercises powers:

Provided that the District Collector may entertain an appeal after the expiry of the said period of thirty days, but not after the expiry of sixty days, from the date aforesaid, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal under this section shall be entertained by the District Collector unless the appellant has, at the time of filing the appeal, deposited the amount of penalty payable under the order appealed against:

Provided that, on an application made by the appellant in this behalf, the District Collector may, if he is of the opinion that the deposit to be made under this sub-section will cause undue hardship to the appellant, by order in writing, dispense with such deposit either unconditionally or subject to such conditions as he may deem fit to impose.

(3) On receipt of an appeal under sub-section (1), the District Collector may, after holding such enquiry as he deems fit and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify

or set aside the order appealed against and the decision of the District Collector shall be final; and

(a) if the sum deposited by way of penalty under sub-section (2) exceeds the penalty directed to be paid by the District Collector, the excess amount, or

(b) if the District Collector sets aside the order imposing penalty, the whole of the sum deposited by way of penalty,

shall be refunded to the appellant.".

5. *Amendment of section 19.*—In section 19 of the principal Act,—

(a) in the marginal note, for the words "Appellate Board", the words "District Collector" shall be substituted;

(b) for the words "Appellate Board", the words "District Collector" shall be substituted;

(c) for the word "itself", the word "himself" shall be substituted;

(d) for the word "it", the word "he" shall be substituted.

6. *Amendment of section 20.*—In section 20 of the principal Act,—

(i) in the marginal note, for the words "Appellate Board", the words "District Collector" shall be substituted;

(ii) in sub-section (1), for the words "Appellate Board", the words "District Collector" shall be substituted;

(iii) in sub-section (2), for the words "Appellate Board", the words "District Collector" shall be substituted.

7. *Amendment of section 24.*—In sub-section (2) of section 24 of the principal Act, for clause (k), the following clause shall be substituted, namely:—

"(k) the procedure to be followed by the District Collector under section 18;".

8. *Transitory provision.*—All appeals from the orders of adjudicating officers under section 18 of the principal Act and pending before the Appellate Board at the commencement of this Ordinance shall be transferred to the District Collector having jurisdiction and the District Collector shall dispose of such appeals under the principal Act as amended by this Ordinance.

9. *Repeal and saving.*—(1) The Kerala Marine Fishing Regulation (Amendment) Ordinance, 1985 (27 of 1985), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,
GOVERNOR.

Government of Kerala
1985

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 2879|Leg. B1|85|Law. *Dated, Trivandrum, 7th August, 1985|16th Sravana, 1907.*

The following Ordinance promulgated by the Governor on the 7th day of August, 1985, is hereby published for general information.

By order of the Governor,

P. P. MATHAI,

Special Secretary (Law).

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33|3370|MC.

ORDINANCE No. 44 OF 1985

THE KERALA FOREST (AMENDMENT) ORDINANCE, 1985

Promulgated by the Governor of Kerala in the Thirty-sixth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Forest Act, 1961.

Preamble.—WHEREAS the Kerala Forest (Amendment) Ordinance, 1984 (65 of 1984) was promulgated by the Governor of Kerala on the 31st day of August, 1984;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of October, 1984 and ended on the 5th day of November, 1984;

AND WHEREAS in order to keep alive the provisions of Ordinance 65 of 1984, the Kerala Forest (Amendment) Ordinance, 1984 (78 of 1984) was promulgated by the Governor of Kerala on the 28th day of November, 1984;

AND WHEREAS a Bill to replace Ordinance 78 of 1984 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 6th day of March, 1985 and ended on the 11th day of April, 1985;

AND WHEREAS in order to keep alive the provisions of Ordinance 78 of 1984, the Kerala Forest (Amendment) Ordinance, 1985 (35 of 1985) was promulgated by the Governor of Kerala on the 17th day of April, 1985;

AND WHEREAS a Bill to replace Ordinance 35 of 1985 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 1st day of July, 1985 and ended on the 31st day of July, 1985;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 35 of 1985 will cease to operate on the 12th day of August, 1985;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Forest (Amendment) Ordinance, 1985.

(2) It shall be deemed to have come into force on the 1st day of September, 1984.

2. *Act* 4 *of* 1962 *to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Forest Act, 1961 (4 of 1962) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in section 3.

3. *Insertion of new Chapter XA.*—In the principal Act, after Chapter X the following Chapter shall be inserted, namely:—

"CHAPTER XA

FOREST DEVELOPMENT TAX

75A. *Levy of forest development tax.*—(1) Notwithstanding anything contained in this Act, in respect of forest produce disposed of by the Government by sale, there shall be levied and collected a tax at the rate of five per cent of the amount of consideration paid therefor.

Explanation.—In this sub-section, the term "sale" shall have the meaning assigned to it in the Kerala General Sales Tax Act, 1963 (15 of 1963).

(2) The tax payable under sub-section (1) in respect of any forest produce shall be collected along with the consideration paid therefor.

(3) The tax levied under sub-section (1) in respect of any forest produce shall be in addition to and not in lieu of any tax payable in respect of such forest produce under the Kerala General Sales Tax Act, 1963 (15 of 1963) or under any other law for the time being in force.

75B. *Establishment of Kerala Forest Development Fund.*—(1) There shall be established for the State a Fund to be called the Kerala Forest Development Fund (hereinafter in this section referred to as the Development Fund).

(2) The proceeds of the tax levied and collected under section 75A shall first be credited to the Consolidated Fund of the State and after deducting the expenses for collection as determined by the Government, the remaining amount shall, under appropriation duly made by law in this behalf, be entered into and transferred to the Development Fund.

(3) Any amount transferred to the Development Fund shall be charged on the Consolidated Fund of the State.

(4) No sum shall be paid or applied from and out of the Development Fund except as provided in sub-section (5).

(5) The amount standing to the credit of the Development Fund shall be expended in such manner and subject to such conditions as may be prescribed by rules made under this Act for the purposes and to the extent specified below:

(a) sixty-six and two-thirds per cent, for the planting of soft-wood trees and other species of trees, which form raw material for industries; and

(b) thirty-three and one-third per cent, for forest research.

(6) The Development Fund shall be held and administered on behalf of the Government by an officer not below the rank of Chief Conservator of Forests, subject to such general or special directions as may be given by the Government from time to time.".

4. *Repeal and saving.*—(1) The Kerala Forest (Amendment) Ordinance, 1985 (35 of 1985), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,
GOVERNOR.

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No. 6069|Leg. B|85|Law. *Dated, Trivandrum, 7th August, 1985| 16th Sravana, 1907.*

The following Ordinance promulgated by the Governor on the 7th day of August, 1985, is hereby published for general information.

By order of the Governor,

P. P. MATHAI,

Special Secretary (Law).

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33|3371|MC.

ORDINANCE No. 45 OF 1985

THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT) ORDINANCE, 1985

Promulgated by the Governor of Kerala in the Thirty-sixth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Co-operative Societies Act, 1969.

Preamble.—WHEREAS the Kerala Co-operative Societies (Amendment) Ordinance, 1985 (2 of 1985) was promulgated by the Governor of Kerala on the 22nd day of February, 1985;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 6th day of March, 1985 and ended on the 11th day of April, 1985;

AND WHEREAS in order to keep alive the provisions of the said Ordinance the Kerala Co-operative Societies (Amendment) Ordinance, 1985 (34 of 1985), was promulgated by the Governor of Kerala on the 17th day of April, 1985;

AND WHEREAS a Bill to replace Ordinance 34 of 1985 by an Act of the Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 1st day of July, 1985 and ended on the 31st day of July 1985;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution of India, Ordinance 34 of 1985 will cease to operate on the 12th day of August, 1985;

AND WHEREAS difficulties will arise if the provisions of that Ordinance are not kept alive;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Co-operative Societies (Amendment) Ordinance, 1985.

(2) It shall be deemed to have come into force on the 25th day of February, 1985.

2. *Act 21 of 1969 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Co-operative Societies Act, 1969 (21 of 1969) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 5.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(1) after clause (o), the following clause shall be inserted, namely:—

"(oa) "primary credit society" means a society other than an apex or central society which has as its principal object the raising of funds to be lent to its members.";

(2) after clause (q), the following clauses shall be inserted, namely:—

"(qa) "Scheduled Castes" means the Scheduled Castes in relation to the State of Kerala as specified in the Constitution (Scheduled Castes) Order, 1950;

(qb) "Scheduled Tribes" means the Scheduled Tribes in relation to the State of Kerala as specified in the Constitution (Scheduled Tribes) Order, 1950;".

4. *Insertion of new section 28A.*—After section 28 of the principal Act, the following section shall be inserted, namely:—

"28A. *Reservation for women members and members belonging to Scheduled Castes or Scheduled Tribes in the Committee.*—(1) Notwithstanding anything contained in sub-section (1) of section 28, there shall be reserved in the committee of every primary credit society, one seat for a woman member and one seat for a member belonging to the Scheduled Castes or Scheduled Tribes and for that purpose, the society may, if they consider it necessary so to do, increase the total number of members of the committee by two more members.

(2) Nothing contained in sub-section (1) shall prevent the women members and members belonging to the Scheduled Castes or Scheduled Tribes from being elected to the non-reserved seats in the committee.".

5. *Amendment of section 80.*—In section 80 of the principal Act, after sub-section (3), the following sub-section shall be added namely:—

"(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), ten per cent of the posts of officers and servants of every society shall be reserved for appointment from persons belonging to the Scheduled Castes and Scheduled Tribes.".

6. *Repeal and saving.*—(1) The Kerala Co-operative Societies (Amendment) Ordinance, 1985 (34 of 1985). is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. RAMACHANDRAN,

GOVERNOR.